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11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

13 IN RE GOOGLE PLAY CONSUMER  
14 ANTITRUST LITIGATION

Case No. 3:20-cv-05761-JD

15 This Document Relates to All Actions  
16

**PLAINTIFF ESQUIVEL'S  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES SHOULD  
BE RELATED PURSUANT TO CIVIL  
L.R. 3-12**

Pursuant to Civil Local Rule 3-12, Plaintiff Ashly Esquivel moves this Court to consider whether her recently filed action, *Esquivel v. Alphabet Inc., et al.*, No. 4:20-cv-08337-DMR (N.D. Cal.), (the “*Esquivel Action*”) should be related to *In re Google Play Consumer Antitrust Litigation*, No. 3:20-cv-05761-JD (N.D. Cal.), (the “*Google Play Case*”), the lowest-numbered, related case.

## **I. BACKGROUND**

Mary Carr filed a class action against Google on August 16, 2020, alleging that Google, through its unlawful monopolization of the market in which Android apps are distributed, imposes a supra-competitive fee on apps purchased from the Google Play Store. *Carr v. Google LLC, et al.*, No. 3:20-cv-05761 (N.D. Cal.) (the “*Carr Action*”). Several other class actions were also filed on behalf of consumers against Google and its related entities regarding the supra-competitive fee for apps from the Google Play Store:

- *Bentley, et al. v. Google LLC, et al.*, No. 4:20-cv-07079-DMR (N.D. Cal.) (the “*Bentley Action*”).
- *McNamara v. Google LLC, et al.*, No. 3:20-cv-07361-JCS (N.D. Cal.) (the “*McNamara Action*”).
- *Herrera v. Google LLC, et al.*, No. 3:20-cv-07365-JD (N.D. Cal.) (the “*Herrera Action*”).
- *Carroll v. Google LLC*, No. 3:20-cv-07379-JD (N.D. Cal.) (the “*Carroll Action*”).
- *Gamble v. Google LLC, et al.*, No. 3:20-cv-07984-JD (N.D. Cal.) (the “*Gamble Action*”).
- *Roberts v. Google LLC, et al.*, No. 3:20-cv-07824-RS (N.D. Cal.) (the “*Roberts Action*”).
- *Stark v. Google LLC, et al.*, No. 4:20-cv-08309-KAW (N.D. Cal.) (the “*Stark Action*”).

This Court consolidated the *Carr*, *Bentley*, *McNamara*, *Herrera*, *Carroll*, and *Gamble* Actions (collectively, the “Consolidated Cases”) into the *Google Play Case* for all pretrial proceedings on November 20, 2020. (Dkt. No. 78.) And on December 1, 2020, this Court found that the *Roberts Action* is related to the *Google Play Case*. The *Stark Action* has not yet been related or consolidated with the *Google Play Case*.

## **II. BRIEF STATEMENT PURSUANT TO CIVIL L.R. 3-12(d)**

A party must file an Administrative Motion to Consider Whether Cases Should Be Related in the lowest-numbered case “[w]henver a party knows or learns that an action, filed in or removed to this district is (or the party believes that the action may be) related to an action which is or was

1 pending in this District as defined in Civil L.R. 3-12(a).” Civ. L.R. 3-12(b). “An action is related  
 2 to another when: (1) The actions concern substantially the same parties, property, transaction or  
 3 event; and (2) It appears likely that there will be an unduly burdensome duplication of labor and  
 4 expense or conflicting results if the cases are conducted before different Judges.” Civ. L.R. 3-12(a).

5 The *Esquivel* Action is related to the Consolidated Cases and the *Roberts* Action as they all  
 6 concern substantially the same subject matter, issues, and defendants. Consumers initiated these  
 7 actions against Google and its related entities, asserting antitrust claims related to monopolization  
 8 that challenge Google’s conduct regarding the Google Play Store. Specifically, these plaintiffs—  
 9 including Plaintiff Esquivel—allege that Google’s anticompetitive practices and monopolization  
 10 have caused them to pay supra-competitive prices for apps purchased from the Google Play Store.

11 Further, conducting the *Esquivel* Action before a different judge than the Consolidated Cases  
 12 and the *Roberts* Action will unduly duplicate labor and expense and could lead to conflicting results.  
 13 Plaintiff Esquivel will likely seek discovery that substantially overlaps with the discovery sought in  
 14 the Consolidated Cases and the *Roberts* Action. It is also likely that the arguments made in the  
 15 *Esquivel* Action will be similar to those made in the Consolidated Cases and the *Roberts* Action as  
 16 Google will likely rely on the same factual and legal defenses in all of these cases.

### 17 **III. CONCLUSION**

18 Accordingly, Plaintiff Ashly Esquivel respectfully requests that this Court order that the  
 19 *Esquivel* Action is related to *In re Google Play Consumer Antitrust Litigation*, No. 3:20-cv-05761-  
 20 JD (N.D. Cal.), the lowest-numbered, related case.

21 DATED: December 2, 2020

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